



W.P.(MD)No.1982 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1982 of 2024
and
W.M.P(MD)No.1975 of 2024

Rameezal Begum

... Petitioner

Vs

1.The Managing Director,
State Industries Promotion Corporation of Tamil Nadu,
19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai-600 008.

2.M.Mohamed Anisha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to execute lease deed in favour of the writ petitioner in respect of the land in SC-1/A SIPCOT Industrial Growth Centre, Gangaikondan Village, Tirunelveli by considering the petitioner's representation, dated 28.12.2023.

For Petitioner	: Mr.Ajmal Khan Senior Counsel for Mr.Prem Ayyathurai
For R1	: Mr.M.Gangatharan Standing Counsel
For R2	: Mr.B.Gangaraj



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to execute the lease deed in favour of the writ petitioner in respect of the land in SC-1/A SIPCOT Industrial Growth Centre, Gangaikondan Village, Tirunelveli by considering the petitioner's representation, dated 28.12.2023.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, the first respondent had initially allotted 2 parcels of land, Plot No.CP-1, SIPCOT Industrial Park, Gangaikondan Village, Tirunelveli District admeasuring 1 acre and Plot No.CP2 (part) admeasuring 0.5 Acres situate at the same SIPCOT Industrial Park, Gangaikondan Village, Tirunelveli District for the specified purpose of setting up a retail outlet for fuel and service station for vehicles, in favour of late M.Mohamed Khan, proprietor of the sole proprietorship firm in the name and style of "M/s.Sinthamathar &



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CO.,” The petitioner is the only surviving sister of late Mr.M.Mohamed Khan.

The aforesaid plots of land in CP-1 and CP-2 (part) situated at the SIPCOT Industrial Park in Gangaikondan, Tirunelveli, were assigned by the first respondent to her late brother Mr.M.Mohamed Khan by way of registered lease deeds dated 18.02.2008 and 18.03.2010, respectively. While the petitioner's brother had successfully been allotted the above lands in this name by the first respondent industrial promotion corporation, the late Mr.Mohamed Khan could not fulfil the terms and conditions any of the said three lease deeds by utilizing the said lands to construct the vehicle service station and other business facilities as mandated by the terms of the allotment order and lease deeds executed by the first respondent. The said conditions mandated that the business undertakings should be commenced on the said plots within 30 months from the date of allotment of the same and construction of buildings should be commenced within 6 months and completed within 24 months of the allotment. Unfortunately, her brother M.Mohamed Khan passed away on 13.07.2022 before fresh lease deeds could be executed in her favour. Therefore, on 06.08.2022 the wife of M.Mohamed Khan and his sons executed an agreement in her favour undertaking to transfer all three parcels of SIPCOT allotted land, namely CP-1 and CP-2 (part), SIPCOT Industrial Par and SC-1A SIPCOT Industrial Growth Centre, Gangaikondan Village, Tirunelveli in her



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favour for a total consideration of Rs.1 crore, of which, she has already made payments of Rs.55,38,700/- and the remaining were undertaken to be paid upon execution of the modified lease deed in her favour by SIPCOT. Pursuant to this understanding, the petitioner's investment and development of the said plots was brought to the notice of SIPCOT, which executed a registered 'Modified Lease Deed' in her favour on 03.07.2023 in respect of the plots. Before SIPCOT could execute a modified lease deed in her favour, M.Mohammed Anisha preferred a representation on 19.12.2023 to the first respondent requesting that the plot of land in SC-1/A SIPCOT should be transferred in her name on account of the death of her husband. Therefore, the petitioner has made a representation dated 28.12.2023 to the first respondent requesting him to take emergent steps to execute a modified lease deed in favour of the petitioner. Since the respondents have not taken any action, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Standing Counsel appearing for the first respondent would submit that appropriate direction may be given to the first respondent to consider the petitioner's request in accordance with law, within a time frame.



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6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the first respondent to consider the petitioner's representation, dated 28.12.2023 and pass orders on merits and in accordance with law after affording an opportunity to the second respondent. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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